

Attorney's Docket No.: 13681-003001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Augustine M. K. Choi et al. Art Unit : 1619
Serial No. : 10/053,535 Examiner : F. Choi
Filed : January 15, 2002
Title : CARBON MONOXIDE AS A BIOMARKER AND THERAPEUTIC AGENT

Commissioner for Patents
Washington, D.C. 20231

#8
JLP
7/24/02

DECLARATION OF DR. LEO OTTERBEIN UNDER 37 CFR 1.132

Sir:

I, Leo E. Otterbein, Ph.D., hereby declare as follows:

(1) I am a co-inventor with Augustine M. Choi of the subject matter described and presently claimed in the above-identified application. Patty J. Lee is also listed as a co-inventor; however, it is my understanding that Ms. Lee was named in error and that inventorship will be corrected accordingly.

(2) I am co-author with Augustine M. Choi and Lin L. Mantell in the paper entitled "Carbon Monoxide Provides Protection Against Hyperoxic Lung Injury" that was published in the journal Lung Cellular and Molecular Physiology, volume 20, pages L688-L694 (1999).

(3) In the work reported in the above-referenced publication, Lin L. Mantell worked under the direction of Dr. Choi and myself, providing technical assistance. Lin L. Mantell did not make inventive contributions to the present application.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/15/02

Date



Leo E. Otterbein, Ph.D.

Len E. Otterbein, Ph.D.